

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

103

CWP-29843-2022 (O&M)
Date of Decision: 16.05.2023

SUKHWINDER KAUR ALIAS GURCHARAN KAUR

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Kapil Kakkar, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

CM-6285-CWP-2023

This is an application for placing on record some additional documents.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions.

The additional documents as mentioned in the application are ordered to be taken on record.

Registry is directed to tag the same at appropriate place of the paper book and page mark the same.

MAIN CASE

The present writ petition has been filed for seeking issuance of directions to respondents No.1 to 3 to consider the representation dated 24.05.2022 (Annexure P-3) submitted by petitioner.

It has been averred by the learned counsel for the petitioner that the marriage of petitioner was solemnized with respondent No.4 about 35 years ago on 29.05.1988 and out of this wedlock, one son namely Rupinder Singh was born on 18.05.1989. Since beginning, the relations between the couple were not cordial. Soon after the birth of the son of the petitioner, the respondent No.4 deserted the petitioner and her son and started living separately. All efforts of the petitioner for reconciliation were in vain. Not only this, the respondent No.4, in a very clandestine and fraudulent manner, solemnized second marriage with respondent No.5 i.e. Amanpal Kaur d/o Major Singh notwithstanding the subsistence of the first marriage of respondent No.4 with the petitioner. Out of the second marriage, one son namely Yadwinder Singh i.e. respondent No.6 was born out despite the fact that the marriage of respondent No.4 and respondent No.5 was void *ab initio*. Further, in order to seek the remedies for her valuable and rights, she has been undergoing a legal battle since long, however, the respondent No.4 is adamant and bent upon harassing and humiliating the petitioner. It is further mentioned that respondent No.4 is in Government Service and is likely to attain the age of superannuation in the month of October 2023. The petitioner has submitted a representation dated 24.05.2022 (Annexure P-3) to respondent No.2 to stake her claim to all the service benefits which accrue to respondent No.4 after his retirement. However, the official respondents have not taken any action thereupon till date.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 to 3 and prays for some time to complete her instructions and file response, if necessary.

Learned counsel for the petitioner, however, submits that at this stage, the petitioner would be satisfied if respondent No.2 is directed to consider and decide the representation dated 24.05.2022 (Annexure P-3) of the petitioner in a time bound manner.

Learned State Counsel has no objection to the prayer being granted.

Accordingly, in view of the above, with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of with a direction to respondent No.2 to consider and decide the representation dated 24.05.2022 (Annexure P-3) by passing a reasoned and speaking order after affording an effective opportunity of hearing to the concerned parties, in a time bound manner and preferably within a period of four months from today.

Petition stands disposed of accordingly.

16.05.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No